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OFFERYNNAU STATUDOL  
CYMRU

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WELSH STATUTORY  
INSTRUMENTS

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**2015 Rhif 1332 (Cy. 125)**

**2015 No. 1332 (W. 125)**

**CYNLLUNIO GWLAD A  
THREF, CYMRU**

**TOWN AND COUNTRY  
PLANNING, WALES**

Rheoliadau Cynllunio (Adeiladau  
Rhestredig ac Ardaloedd  
Cadwraeth) (Cymru) (Diwygio)  
2015

The Planning (Listed Buildings and  
Conservation Areas) (Wales)  
(Amendment) Regulations 2015

**NODYN ESBONIADOL**

*(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)*

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) (Cymru) 2012 ("y prif Reoliadau").

Mae rheoliad 2(2) a (3) yn diwygio rheoliad 12 o'r prif Reoliadau drwy ddileu'r terfyn amser o chwe mis ar gyfer cyflwyno apêl yn dilyn methiant gan yr awdurdod cynllunio lleol i benderfynu cais am ganiatâd adeilad rhestredig o fewn y cyfnod penderfynu a ragnodir yn rheoliad 3(5) o'r prif Reoliadau.

Mae rheoliad 2(4) yn mewnosod darpariaeth yn y prif Reoliadau sy'n rhagnodi cyfnod ychwanegol o bedair wythnos at ddibenion adran 20A o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990.

Mae rheoliad 3 yn gwneud darpariaethau trosiannol.

Mae'r Asesiad Effaith Rheoleiddiol sy'n gymwys i'r Rheoliadau hyn ar gael gan Lywodraeth Cymru yn: Parc Cathays, Caerdydd CF10 3NQ ac ar wefan Llywodraeth Cymru yn [www.llyw.cymru](http://www.llyw.cymru).

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012 ("the principal Regulations").

Regulation 2(2) and (3) amends regulation 12 of the principal Regulations by removing the six month time limit for lodging an appeal following the failure of a local planning authority to determine an application for listed building consent within the determination period prescribed in regulation 3(5) of the principal Regulations.

Regulation 2(4) inserts a provision into the principal Regulations prescribing an additional period of four weeks for the purposes of section 20A of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Regulation 3 makes transitional provisions.

The Regulatory Impact Assessment applicable to these Regulations is obtainable from the Welsh Government at: Cathays Park, Cardiff CF10 3NQ and on the Welsh Government website at [www.wales.gov.uk](http://www.wales.gov.uk).

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(Amendment) Regulations 2015**

*Gwnaed* 20 Mai 2015  
*Gosodwyd gerbron Cynulliad Cenedlaethol  
Cymru* 22 Mai 2015  
*Yn dod i rym* 22 Mehefin 2015

*Made* 20 May 2015  
*Laid before the National Assembly for Wales*  
22 May 2015  
*Coming into force* 22 June 2015

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 20, 20A, 21 a 93 o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990(1) ac sy'n arferadwy bellach ganddynt hwy(2), yn gwneud y Rheoliadau a ganlyn:

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 20, 20A, 21 and 93 of the Planning (Listed Buildings and Conservation Areas) Act 1990(1) and now exercisable by them(2), make the following Regulations:

**Enwi, cychwyn, dehongli a chymhwyso**

**Title, commencement, interpretation and application**

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) (Cymru) (Diwygio) 2015.

1.—(1) The title of these Regulations is the Planning (Listed Buildings and Conservation Areas) (Wales) (Amendment) Regulations 2015.

(2) Yn y Rheoliadau hyn, ystyr "y prif Reoliadau" ("the principal Regulations") yw Rheoliadau

(2) In these Regulations, "the principal Regulations" ("y prif Reoliadau") means the Planning (Listed

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(1) 1990 p. 9. Mewnosodwyd adran 20(5) gan O.S. 2014/2773. Mewnosodwyd adran 20A gan adran 50(2) o Ddeddf Cynllunio a Phrynu Gorfodol 2004 ("Deddf 2004"). Mae adran 50(2) wedi ei chychwyn o ran Cymru gan O.S. 2015/340. Mewnosodwyd adran 93(6A) gan adran 118 o Ddeddf 2004 a pharagraffau 19 a 26 o Atodlen 6 iddi. I gael ystyr "prescribed" gweler adran 91(1).

(2) Trosglwyddwyd y swyddogaethau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 20, 20A, 21 a 93, i'r graddau y maent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672). Yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 o Atodlen 11 iddi, mae'r swyddogaethau hynny yn arferadwy bellach gan Weinidogion Cymru.

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(1) 1990 c. 9. Section 20(5) was inserted by S.I. 2014/2773. Section 20A was inserted by section 50(2) of the Planning and Compulsory Purchase Act 2004 Act ("the 2004 Act"). Section 50(2) is commenced in relation to Wales by S.I. 2015/340. Section 93(6A) was inserted by section 118 and paragraphs 19 and 26 of Schedule 6 to the 2004 Act. For the meaning of "prescribed" see section 91(1).

(2) The functions conferred on the Secretary of State by sections 20, 20A, 21 and 93 were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). By virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32), those functions are now exercisable by the Welsh Ministers.

Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) (Cymru) 2012(1).

(3) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(4) Daw'r Rheoliadau hyn i rym ar 22 Mehefin 2015.

### Diwygio'r prif Reoliadau

2.—(1) Mae'r prif Reoliadau wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 12(1)—

(a) ar ddiwedd is-baragraff (a)(ii), hepgorer "neu";

(b) hepgorer is-baragraff (b); ac

(c) ar ôl y geiriau "o fewn chwe mis i'r hysbysiad o benderfyniad", hepgorer "neu ar ôl i'r cyfnod priodol a ganiateir o dan reoliad 3(5) ddod i ben, yn ôl y digwydd."

(3) Yn rheoliad 12(2), yn lle'r geiriau "Rhaid i berson o'r fath hefyd" rhodder "Rhaid i geisydd sy'n dymuno apelio yn erbyn penderfyniad awdurdod cynllunio lleol a grybwyllir yn is-baragraff (1) neu yn dilyn methiant awdurdod cynllunio lleol i roi hysbysiad o'i benderfyniad neu hysbysiad o gyfeirio'r cais i Weinidogion Cymru".

(4) Ar ôl rheoliad 12 mewnosoder—

#### **"Apêl wedi ei wneud: swyddogaethau'r awdurdod cynllunio lleol**

12A. Y cyfnod ychwanegol a ragnodir at ddibenion adran 20A o'r Ddeddf yw pedair wythnos."

### Darpariaethau trosiannol

3. Nid yw'r diwygiadau a wneir i'r prif Reoliadau gan reoliad 2 o'r Rheoliadau hyn yn gymwys i unrhyw apêl sy'n ymwneud â chais a wneir cyn y daw'r Rheoliadau hyn i rym ac yn unol â hynny, mae'r prif Reoliadau, ar y ffurf yr oeddent yn bodoli yn union cyn i'r Rheoliadau hyn ddod i rym, yn parhau i fod yn gymwys i'r apelau hynny.

Buildings and Conservation Areas) (Wales) Regulations 2012(1).

(3) These Regulations apply in relation to Wales.

(4) These Regulations come into force on 22 June 2015.

### Amendments of the principal Regulations

2.—(1) The principal Regulations are amended as follows.

(2) In regulation 12(1)—

(a) at the end of sub-paragraph (a)(ii), omit "or";

(b) omit sub-paragraph (b); and

(c) after the words "within six months of notice of the decision", omit "or of the expiry of the appropriate period allowed under regulation 3(5), as the case may be,".

(3) In regulation 12(2), for the words "Such a person must also" substitute "An applicant who wishes to appeal against a decision of a local planning authority mentioned in sub-paragraph (1) or following the failure of a local planning authority to give notice of their decision or of the reference of the application to the Welsh Ministers must".

(4) After regulation 12 insert—

#### **"Appeal made: functions of the local planning authority**

12A. The additional period prescribed for the purposes of section 20A of the Act is four weeks."

### Transitional provisions

3. The amendments made to the principal Regulations by regulation 2 of these Regulations do not apply to any appeal relating to an application made before these Regulations come into force and accordingly, the principal Regulations, in the form in which they existed immediately before the coming into force of these Regulations, continue to apply to those appeals.

*Carl Sargeant*

Y Gweinidog Cyfoeth Naturiol, un o Weinidogion Cymru  
20 Mai 2015

Minister for Natural Resources, one of the Welsh Ministers  
20 May 2015

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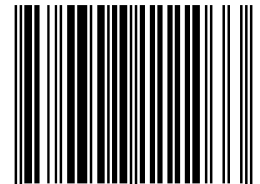
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